

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

MISTY LANE ROBERTS,

Plaintiff,

v.

CORRECTIONAL MEDICAL SERVICES,  
INC., ET AL.,

Defendants.

No. **3 06 1 083**  
**JUDGE HAYNES**

**ORDER**

Before the Court is a *pro se* prisoner complaint filed under 42 U.S.C. § 1983. Plaintiff, an inmate in the Tennessee Prison for Women (TPW), also has submitted an application to proceed *in forma pauperis*.

From a review of her application to proceed *in forma pauperis*, it appears that Plaintiff lacks sufficient financial resources to pay the filing fee. Therefore, pursuant to 28 U.S.C. § 1915(b)(4), the Clerk will file the complaint *in forma pauperis*. 28 U.S.C. § 1915(a)

Plaintiff is herewith assessed the civil filing fee of three hundred fifty dollars (\$350.00). Pursuant to 28 U.S.C. §§ 1915(b)(1)(A) and (B), the custodian of Plaintiff's inmate trust fund account at the institution where she now resides is directed to submit to the Clerk of Court, as an initial payment, whichever is the greater of:

- (a) twenty percent (20%) of the average monthly deposits to Plaintiff's inmate trust fund account; **or**
- (b) twenty percent (20%) of the average monthly balance in Plaintiff's inmate trust fund account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of Plaintiff's preceding monthly income,

or income credited to Plaintiff's inmate trust fund account for the preceding month, but only when such monthly income exceeds ten dollars (\$10.00). Such payments shall continue until the filing fee of three hundred fifty dollars (\$350.00) has been paid in full to the Clerk of Court as prescribed by 28 U.S.C. § 1914(a), 28 U.S.C. § 1915(b)(2).


As provided in the Memorandum entered contemporaneously herewith, Plaintiff's complaint is DISMISSED for failure to state a claim for relief 28 U.S.C. § 1915A(b)(1). Because an appeal from the judgment rendered herein would not be taken in good faith, Plaintiff is NOT certified to pursue an appeal from this judgment *in forma pauperis*. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 444-46 (1962). Nevertheless, should Plaintiff file a notice of appeal, she either must pay the Clerk of Court the full appellate filing fee of four hundred fifty-five dollars (\$455.00), or submit a new application to proceed *in forma pauperis* with a certified copy of her inmate trust account statement for the six (6) month period preceding the filing of her notice of appeal. 28 U.S.C. §§ 1915(a)(1) and (a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6<sup>th</sup> Cir. 1997).

The Clerk is instructed to forward a copy of this Order to the Warden at TPW to ensure that the custodian of Plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act pertaining to the payment of filing fees.

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.

**ENTERED** this the 22 day of November, 2006.

  
William J. Haynes Jr.  
United States District Judge